

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7535

BILL NUMBER: HB 1388

NOTE PREPARED: Dec 31, 2004

BILL AMENDED:

SUBJECT: Impaired Driving with a Child in Vehicle.

FIRST AUTHOR: Rep. Austin

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill creates a rebuttable presumption that the physical or mental health of a child is endangered if the child's parent, guardian, or custodian operates a motor vehicle in which the child is a passenger while the parent, guardian, or custodian is intoxicated.

Effective Date: July 1, 2005.

Explanation of State Expenditures: Under current law, a child is a child in need of services (CHINS) if the child's physical or mental health is seriously endangered due to injury through the act or omission of a parent, guardian, or custodian, and the child needs care, treatment, or rehabilitation that the child is not receiving and is unlikely to be provided.

Under the bill, the court may presume that the child's physical or mental health is seriously endangered if the child is a passenger in a motor vehicle operated by a parent, guardian, or custodian who is intoxicated. To the extent that the bill adds a new circumstance under which a child would be declared a CHINS, the bill may increase the number of children eligible to receive services. However, the number would be subject to the judgement and actions of the court and the Family and Social Services Administration (FSSA).

CHINS are eligible for medical assistance under the Medicaid Program.

Explanation of State Revenues:

Explanation of Local Expenditures: *County Office of Family and Children, Court with Juvenile*

Jurisdiction, and County Prosecutor: The caseloads of the county Offices of Family and Children, courts with juvenile jurisdiction, and county prosecutors may increase. This increase in caseload and associated costs is unknown and contingent upon judicial action.

Case services range from offering services to removing a child to substitute care. In CY 2003, there were 16,415 CHINS served at a cost of \$196,212,935. Both numbers include the investigations performed as well as services provided. Based on this information, the estimated average cost per CHINS is \$11,953 per year. Out-of-home placements and services to CHINS are primarily funded by the local county Family and Children's Fund. Certain out-of-home placements may be matched with federal IV-E funds, and CHINS are eligible for Medicaid services. A portion of the costs can also be reimbursed from federal funds in the IV-E program and TANF EA (Emergency Assistance) program if children are eligible.

Explanation of Local Revenues:

State Agencies Affected: Family and Social Services Administration.

Local Agencies Affected: Counties; Courts; and County Prosecutors.

Information Sources:

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